

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

EX PARTE KONDRK ET AL.

Application for Patent

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Group Art Unit 3627

Examiner: Refai, Ramsey

FOR:

**METHOD AND SYSTEM FOR SUBMITTING MEDIA FOR
NETWORK-BASED PURCHASE AND DISTRIBUTION**

APPEAL BRIEF

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TABLE OF AUTHORITIES

CASES:

n/a

I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Apple Inc.

II. RELATED APPEALS AND INTERFERENCES

It is believed that there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

This application was filed October 15, 2003 with claims 1-49. Claims 1, 6, 11 and 31-46 were amended, and withdrawn claims 47-49 were canceled from the application by Amendment A filed on December 12, 2008. Claims 1, 6, 11, 21, 30 and 43 were amended, and claim 50 was added to the application by Amendment B filed on June 4, 2009. Claims 1, 21, 23-26, 29, 30, 31, 32, 41 and 50 were amended by Amendment C filed on April 16, 2010. Claim 1-32, 34-46 and 50 were finally rejected on June 17, 2011. The final rejection of claims 1-32, 34-46 and 50 was appealed on October 17, 2011.

Claims 1-32, 34-46 and 50 are pending, and the status of each claim is as follows:

Claims 1-32, 34-46 and 50 : Rejected

IV. STATUS OF AMENDMENTS

All Amendments filed have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to an improved system and method for submitting media to a media distribution site. The submission of media to the media distribution site is able to be performed by numerous submitters in a uniform and computer-assisted manner. The submitted media can then be encoded in a largely automated manner at the media distribution site into a suitable digital form and then made available for online purchase and distribution. The media distribution site can also be referred to as an online media hosting site. Several exemplary embodiments associated with the independent claims are described below.

Independent claim 1 provides a computer-implemented method for submission of a media collection from a client machine to a media distribution server machine. See, e.g., Figures 1-9 and pages 4-14. The method includes at least: obtaining metadata for a media collection [e.g., Fig. 3A, 304; Fig. 4]; identifying media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track [e.g., Fig. 2, 204; Fig. 3A, 306; Fig. 5]; converting the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format [e.g., Fig. 2, 206; Fig. 3A, 308]; obtaining metadata for the identified media content [e.g., Fig. 2, 208; Fig. 3A, 306; Fig. 5]; forming, at the client machine, an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content [e.g., Fig. 2, 210]; and thereafter electronically transmitting the electronic package from the client machine to the media distribution server machine, thereby submitting the media collection to the media distribution server machine for subsequent distribution [e.g., Fig. 2, 212; Fig. 3B, 322]. The electronic package of the media collection comprises a plurality of electronic files, one of the electronic files is a markup language file containing at least the metadata,

another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files [e.g., Fig. 9]. The metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection. The electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file [e.g., Fig. 9].

Independent claim 31 provides a computer readable medium having at least executable computer program code tangibly embodied therein. See, e.g., Figures 1-9 and pages 4-14. The computer readable medium includes computer program code for submission of a media collection to a media distribution site and, more particularly, includes at least: computer program code for identifying media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track [e.g., Fig. 2, 204; Fig. 3A, 306; Fig. 5]; computer program code for converting the identified media content for the plurality of media items into compressed media files, said computer program code for converting encodes the media content for each of the media items into a compressed audio format [e.g., Fig. 2, 206; Fig. 3A, 308]; computer program code for obtaining metadata for the identified media content [e.g., Fig. 2, 208; Fig. 3A, 306; Fig. 5]; computer program code for forming an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the identified media content [e.g., Fig. 2, 210]; and computer program code for electronically transmitting the electronic package to the media distribution site, thereby submitting the media collection to the media distribution site for subsequent distribution [e.g., Fig. 2, 212; Fig. 3B, 322]. The electronic package of the media collection comprises a plurality of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files [e.g., Fig. 9]. The metadata provided for the media

collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection. The electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file [e.g., Fig. 9].

Independent claim 50 provides a method for submission of a media collection from a client machine to a media distribution site. See, e.g., Figures 1-9 and pages 4-14. The client machine is configured for operation by a user. The method includes at least: receiving, at the client machine, metadata for a media collection [e.g., Fig. 3A, 304; Fig. 4]; identifying, at the client machine, media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track [e.g., Fig. 2, 204; Fig. 3A, 306; Fig. 5]; converting, at the client machine, the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format [e.g., Fig. 2, 206; Fig. 3A, 308]; receiving, at the client machine, metadata for the identified media content [e.g., Fig. 2, 208; Fig. 3A, 306; Fig. 5]; forming, at the client machine, an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content [e.g., Fig. 2, 210]; and thereafter electronically transmitting the electronic package from the client machine to the media distribution site, thereby submitting the media collection to the media distribution site for subsequent distribution [e.g., Fig. 2, 212; Fig. 3B, 322]. The electronic package of the media collection comprises a folder of files, one of the files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files [e.g., Fig. 9]. The electronic package of the media collection comprises a folder of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated

with the media collection, and a plurality of other of the files are compressed audio files [e.g., Fig. 3B, 314; Fig. 9; Fig. 10]. The metadata provided for the media collection includes at least media collection metadata as well as media item metadata. The media item metadata being provided for each of the media items within the media collection. The electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file [e.g., Fig. 9].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented on appeal are:

A. Whether claims 1-6, 11-13, 16, 18, 21, 23-29, 31, 32, 34, 36, 39-41, 44-46 and 50 are anticipated by Galuten et al., U.S. Patent 7,209,892, under 35 U.S.C. §102(e).

B. Whether claims 14, 17, 19, 35 and 37 are obvious over Galuten et al. under 35 U.S.C. §103(a).

C. Whether claims 7-10, 22, 30 42 and 43 are obvious over Galuten et al. in view of Official Notice under 35 U.S.C. §103(a).

D. Whether claims 15, 20 and 38 are obvious over Galuten et al. in view of Marsh, U.S. Patent 7,073,193, under 35 U.S.C. §103(a).

VII. ARGUMENT

A. GALUTEN ET AL. CANNOT ANTICIPATE ANY OF THE CLAIMS

CLAIM 1

Claim 1 pertains to a method for submission of a media collection to a media distribution site. The method obtains metadata for a media collection as well as for a plurality of media items to be included in the media collection. Additionally, media content for the plurality of media items can be identified and converted into compressed media files. The metadata and the media files can then be provided in an electronic package. The electronic package is then submitted to a media distribution site. More specifically, claim 1 recites:

obtaining metadata for a media collection;

identifying media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track;

converting the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format;

obtaining metadata for the identified media content;

forming, at the client machine, an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content; and

thereafter electronically transmitting the electronic package from the client machine to the media distribution server machine, thereby submitting the media collection to the media distribution server machine for subsequent distribution,

wherein the electronic package of the media collection comprises a plurality of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image

file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection, and

wherein the electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.

Hence, the method of claim 1 is used to enable a submitter to submit an electronic package to a media distribution site in a controlled and properly formatted manner. That is, the method of claim 1 is used to facilitate submission of an electronic package concerning a media collection (including a plurality of media items) being submitted to a media distribution site.

1. CLAIM 1 IS NOT ANTICIPATED BY GALUTEN ET AL.

Galuten et al. describes an electronic media distribution system “which facilitates the distribution of media to customers over a network.” Abstract. The processing described in Galuten et al. is primarily, if not exclusively, concerned with managing musical content that is made available for distribution.

As to the electronic package that is formed and transmitted to a media distribution site, the Examiner points to column 3, lines 50-52 and 55-61 of Galuten et al. However, this portion of Galuten et al. merely indicates that content elements (e.g., songs) can be bundled together into a package called “Media Object”. “Every content element is optionally compressed, digitally secured and associated with appropriate rights to form Media Objects.” Galuten et al, column 3, lines 50-52. However, such processing is done for distribution of the content elements (or Media Objects), not for submission to a media distribution site. As to submission, column 3, lines 12-13 of Galuten et al. simply states: “The system of the present invention receives musical content in various

formats and from various sources....” Hence, Galuten et al. is not offering tools or assistance to users that are submitting media collections to a media distribution server machine for distribution. Instead, Galuten et al. is concerned with post-submission processing, such as for production, payment and delivery of musical content.

Moreover, claim 1 recites that for a media collection being submitted, metadata for the media collection is obtained, and media content for the media items in the media collection are identified. The identified media items can then be compressed to form compressed media files. The compressed media files and the metadata can then be placed in an electronic package and submitted to an online distribution site. As noted above Galuten et al. is not concerned with submission of electronic packages to an online distribution site. As such, Galuten et al. does not teach or suggest submission of electronic packages to an online distribution site.

a. Galuten et al. does not teach or suggest submission of a specific electronic package as recited in claim 1

Besides being concerned with submission of electronic packages to an online distribution system, claim 1 recites various characteristics of the electronic package for the media collection. Galuten et al. does not teach or suggest these characteristics of the electronic package. More specifically, Galuten et al. does not teach or suggest at least: (i) “the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection,” or (ii) “the electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file” as further discussed below.

(i) Galuten et al. does not teach or suggest providing metadata for a media collection that includes at least media collection metadata as well as media item metadata for each of the media items within the media collection

On page 5 of the Office Action, the Examiner makes reference to col. 3, lines 6-55, and col. 29, line 50 to col. 30, line 45 as teaching these additional limitations of claim 1. Appellants respectfully disagree.

Col. 3, lines 6-55 of Galuten et al. discuss support for musical content. Col. 29, line 50 to col. 30, line 45 of Galuten et al. describes protocols for communication, one such being XML. An example of a song object encoded in XML is also described. However, neither of these portions of Galuten et al. teach or suggest providing both (i) media collection metadata and (ii) media item metadata for each of the media items within the media collection. At best, the song object at col. 30, lines 13-40 might correspond to metadata for a single media item. However, claim 1 recites that its electronic package includes (i) metadata for the media collection, and (ii) metadata for each of the media items in the media collection. Accordingly, it is respectfully submitted that Galuten et al. fails to teach or suggest metadata provided for the media collection that “includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection” as recited in claim 1.

(ii) Galuten et al. does not teach or suggest use of a digital signature in electronic package for each of the compressed audio files, and also including a digital signature for the image file

On page 5 of the Office Action, the Examiner makes reference to col. 12, line 15 as teaching these additional limitations. Appellants respectfully disagree.

Col. 12, line 15 of Galuten et al. mentions “digital signatures” in the context of defining the term “certificate”. Even so, claim 1 is not merely reciting a digital certificate. Instead, claim 1 is claiming that its electronic package for the media collection “includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.” However, nothing in Galuten et al. provides any teaching or suggestion for an electronic package that “includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file” as recited in claim 1.

Moreover, in Galuten et al., a retail offer is certified. Specifically, col. 12, lines 7-11 of Galuten et al. states:

The Reference Service validates the "Candidate Offer" and creates a certified Retail Offer. The Reference Service checks the "Candidate Offer" against the E-contract and the content-specific business rules. If the offer is consistent with the offer and the rules, it is electronically certified.

There is, however, no notion of usage or need for digital signatures for compressed audio files much less an image file. Hence, it cannot be reasonably concluded that Galuten et al. teaches an electronic package of a media collection which "includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file." Accordingly, it is respectfully submitted that Galuten et al. fails to teach or suggest an electronic package of the media collection that "includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file." as recited in claim 1.

(iii) Galuten et al. teaches way from the inventive submission method of claim 1.

Galuten et al. also teaches away from use of a specific submission package for submission of a media collection or media items. Specifically, at col. 3, lines 12-17, Galuten et al. states:

The system of the present invention receives musical content in various formats and from various sources, including the artists, agents, publishers, producers and distributors (collectively "distributors" since this is typically the most common format). All the musical content is formatted and then stored at the Delivery Service module.

On the other hand, claim 1 pertains to a method by which submitters can submit electronic packages to a media distribution site in a controlled and properly formatted manner. Stated another way, the inventions and teachings of Galuten et al. concern distribution of content elements (or Media Objects) from a media distribution site, not submission to the media distribution site. Hence, the

teachings of Galuten et al. are not for media submission, but for media distribution which is post-submission processing. In other words, Galuten et al. teaches that submissions are of various formats and sources, and that post-submission processing is used to format received content for eventual distribution. Consequently, Galuten et al. teaches away from use of a specific submission package for submission of a media collection or media items as recited in claim 1.

2. CONCLUSION

Accordingly, it is respectfully submitted that claim 1 is patentably distinct from Galuten et al.

Dependent claims 2-30 are also patentably distinct from Galuten et al. for at least the same reason as their corresponding independent claims. These dependent claims also recite additional limitations that further distinguish these dependent claims from the cited references, some of which are discussed below.

CLAIM 13

Claim 13 depends from claim 1 and further recites that “the descriptive media item information includes, for the corresponding media item, at least a title, an artist, a genre, track number, a label name, copyright information, and a numerical identifier.”

On page 6 of the final Office Action, the Examiner references col. 3, lines 8-11, 41-46 of Galuten et al. However, such portions of Galuten et al. fail to teach providing descriptive media item information that includes at least a title, an artist, a genre, track number, a label name, copyright information, and a numerical identifier. For example, nothing at col. 3 of Galuten et al. teaches or suggests providing descriptive media item information that includes, among other things, a track number and a numerical identifier. Therefore, for at least these

additional reasons, it is submitted that claim 13 is further patentably distinct from Galuten et al.

CLAIM 21

Claim 21 depends from claim 1 and further recites that “wherein the digital signature for the image file for artwork associated with the media collection is a MD5 message digest, and wherein the digital signatures for the compressed audio files are MD5 message digests.”

On page 6 of the final Office Action, the Examiner references col. 29, lines 50-67 col. 31, lines 32-51 of Galuten et al. However, the limitations addressed are associated with what appears to be a portion of claim 50, not claim 21. Moreover, such portions of Galuten et al. fail to teach anything about digital signatures. Further, while col. 12, line 15 of Galuten et al. mentions “digital signatures” in the context of defining the term “certificate”, there is no teaching or suggestion for use of “a digital signature for each of the compressed audio files,” and “a digital signature for the image file” as recited in claim 1. There is also no teaching or suggestion for use of MD5 message digests for the digital signatures. Therefore, for at least these additional reasons, it is submitted that claim 21 is further patentably distinct from Galuten et al.

CLAIM 24

Claim 24 depends from claim 1 and further recites:

wherein said method further comprises:

receiving the electronic package at the media distribution server machine;

parsing the electronic package to retrieve components from the electronic package, the components including at least the identified media content in the compressed media format, the metadata for the media collection and the

metadata for the at least one media item; and
storing the components into a media
distribution database.

On pages 6-7 of the final Office Action, the Examiner references col. 3, lines 40-61, and col. 30, lines 10-40 of Galuten et al. However, these portions of Galuten et al. are not teaching or suggesting processing of an electronic package to retrieve components therefrom and then store the retrieved components into a media distribution database. Therefore, for at least these additional reasons, it is submitted that claim 24 is further patentably distinct from Galuten et al.

CLAIM 31

Claim 31 pertains to a computer readable medium that includes computer program code that can operate similar to the method discussed above regarding claim 1. As such, for at least reasons similar to those noted above with respect to claim 1, it is submitted that claim 31 is also patentably distinct from Galuten et al.

Dependent claims 32 and 34-46 are also patentably distinct from Galuten et al. for at least the same reason as their corresponding independent claims. These dependent claims also recite additional limitations that further distinguish these dependent claims from the cited references.

CLAIM 32

Claim 32 depends from claim 31 and further recites that “wherein the electronic package comprises a folder including the plurality of electronic files.”

On page 7 of the final Office Action, the Examiner rejected claim 32 under “similar rationale” as other claims with similar limitations. However, none of the other claims mentioned include similar limitations as does claim 32. Therefore, it is submitted that the rejection of claim 32 does not amount to a *prima facie* rejection.

Additionally, Galuten et al. makes mention of modules and packages for electronic for use by its media distribution system, but fails to teach or suggest an electronic package having a folder that includes the plurality of electronic files, which are mentioned in claim 31. Therefore, for at least this additional reason, it is submitted that claim 32 is further patentably distinct from Galuten et al.

CLAIM 41

Claim 41 depends from claim 31 and further recites that “wherein the digital signature for the image file is a MD5 message digest, and wherein the digital signatures for the compressed media files are MD5 message digests.”

On page 7 of the final Office Action, the Examiner appear to reject claim 41 under similar rationale as claim 21, which referenced col. 29, lines 50-67 col. 31, lines 32-51 of Galuten et al. However, as noted above, the limitations addressed in rejecting claim 21 are associated with what appears to be a portion of claim 50, not claim 21. Moreover, such portions of Galuten et al. fail to teach anything about digital signatures. Further, while col. 12, line 15 of Galuten et al. mentions “digital signatures” in the context of defining the term “certificate”, there is no teaching or suggestion for use of “a digital signature for each of the compressed media files,” and “a digital signature for the image file” as recited in claim 31. There is also no teaching or suggestion for use of MD5 message digests for the digital signatures as recited in claim 41. Therefore, for at least these additional reasons, it is submitted that claim 41 is further patentably distinct from Galuten et al.

CLAIM 50

Claim 50 pertains to a method that can operate similar to the method discussed above regarding claim 1. Claim 50 pertains to a method for submission of a media collection to a media distribution site. The method obtains metadata for a media collection as well as for a plurality of media items to be

included in the media collection. Additionally, media content for the plurality of media items can be identified and converted into compressed media files. The metadata and the media files can then be provided in an electronic package. The electronic package is then submitted to a media distribution site. More specifically, claim 50 recites:

receiving, at the client machine, metadata for a media collection;

identifying, at the client machine, media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track;

converting, at the client machine, the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format;

receiving, at the client machine, metadata for the identified media content;

forming, at the client machine, an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content; and

thereafter electronically transmitting the electronic package from the client machine to the media distribution site, thereby submitting the media collection to the media distribution site for subsequent distribution, wherein the electronic package of the media collection comprises a folder of files, one of the files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the electronic package of the media collection comprises a folder of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection, and

wherein the electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.

Hence, the method of claim 50 is used to enable a submitter to submit an electronic package to a media distribution site in a controlled and properly formatted manner. That is, the method of claim 50 is used to facilitate submission of an electronic package concerning a media collection (including a plurality of media items) being submitted to a media distribution site.

1. CLAIM 50 IS NOT ANTICIPATED BY GALUTEN ET AL.

Galuten et al. describes an electronic media distribution system "which facilitates the distribution of media to customers over a network." Abstract. The processing described in Galuten et al. is primarily, if not exclusively, concerned with managing musical content that is made available for distribution.

As to the electronic package that is formed and transmitted to a media distribution site, the Examiner points to column 3, lines 50-52 and 55-61 of Galuten et al. However, this portion of Galuten et al. merely indicates that content elements (e.g., songs) can be bundled together into a package called "Media Object". "Every content element is optionally compressed, digitally secured and associated with appropriate rights to form Media Objects." Galuten et al, column 3, lines 50-52. However, such processing is done for distribution of the content elements (or Media Objects), not for submission to a media distribution site. As to submission, column 3, lines 12-13 of Galuten et al. simply states: "The system of the present invention receives musical content in various formats and from various sources...." Hence, Galuten et al. is not offering tools or assistance to users that are submitting media collections to a media distribution server machine for distribution. Instead, Galuten et al. is concerned

with post-submission processing, such as for production, payment and delivery of musical content.

Moreover, claim 50 recites that for a media collection being submitted, metadata for the media collection is obtained, and media content for the media items in the media collection are identified. The identified media items can then be compressed to form compressed media files. The compressed media files and the metadata can then be placed in an electronic package and submitted to an online distribution site. As noted above Galuten et al. is not concerned with submission of electronic packages to an online distribution site. As such, Galuten et al. does not teach or suggest submission of electronic packages to an online distribution site

a. Galuten et al. does not teach or suggest submission of a specific electronic package as recited in claim 50

Besides being concerned with submission of electronic packages to an online distribution system, claim 50 recites various characteristics of the electronic package for the media collection. Galuten et al. does not teach or suggest these characteristics of the electronic package. More specifically, Galuten et al. does not teach or suggest at least: (i) “the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection,” or (ii) “the electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file” as further discussed below.

(i) Galuten et al. does not teach or suggest providing metadata for a media collection that includes at least media collection metadata as well as media item metadata for each of the media items within the media collection

On page 5 of the Office Action, the Examiner makes reference to col. 3, lines 6-55, and col. 29, line 50 to col. 30, line 45 as teaching these additional limitations of claim 50. Appellants respectfully disagree.

Col. 3, lines 6-55 of Galuten et al. discuss support for musical content. Col. 29, line 50 to col. 30, line 45 of Galuten et al. describes protocols for communication, one such being XML. An example of a song object encoded in XML is also described. However, neither of these portions of Galuten et al. teach or suggest providing both (i) media collection metadata and (ii) media item metadata for each of the media items within the media collection. At best, the song object at col. 30, lines 13-40 might correspond to metadata for a single media item. However, claim 50 recites that its electronic package includes (i) metadata for the media collection, and (ii) metadata for each of the media items in the media collection. Accordingly, it is respectfully submitted that Galuten et al. fails to teach or suggest metadata provided for the media collection that “includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection” as recited in claim 50.

(ii) Galuten et al. does not teach or suggest use of a digital signature in electronic package for each of the compressed audio files, and also including a digital signature for the image file

On page 5 of the Office Action, the Examiner makes reference to col. 12, line 15 as teaching these additional limitations. Appellants respectfully disagree.

Col. 12, line 15 of Galuten et al. mentions “digital signatures” in the context of defining the term “certificate”. Even so, claim 50 is not merely reciting a digital certificate. Instead, claim 50 is claiming that its electronic package for the media collection “includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.” However, nothing in Galuten et al. provides any teaching or suggestion for an electronic package that “includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file” as recited in claim 50.

Moreover, in Galuten et al., a retail offer is certified. Specifically, col. 12, lines 7-11 of Galuten et al. states:

The Reference Service validates the “Candidate Offer” and creates a certified Retail Offer. The Reference Service checks the “Candidate Offer” against the E-contract and the content-specific business rules. If the offer is consistent with the offer and the rules, it is electronically certified.

There is, however, no notion of usage or need for digital signatures for compressed audio files much less an image file. Hence, it cannot be reasonable concluded that Galuten et al. teaches an electronic package of a media collection which “includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.” Accordingly, it is respectfully submitted that Galuten et al. fails to teach or suggest an electronic package of the media collection that “includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.” as recited in claim 50.

(iii) Galuten et al. does not teach or suggests a folder of files for a media collection

As noted above, claim 50 also recites that its electronic package includes a folder of files. Specifically, claim 50 recites:

wherein the electronic package of the media collection comprises a folder of files, one of the files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

As noted above regarding claim 32, nowhere in the final Office Action is there any consideration for the limitations in claim 50 concerning an electronic package for submission that has a folder that includes the plurality of electronic files. Hence, it is submitted that the rejection of claim 50 does not amount to a *prima facie* rejection.

Additionally, Galuten et al. makes mention of modules and packages for electronic for use by its media distribution system, but fails to teach or suggest an electronic package having a folder that includes the plurality of electronic files,

which are mentioned in claim 50. Therefore, for at least this additional reason, it is submitted that claim 50 is further patentably distinct from Galuten et al.

(iv) Galuten et al. teaches way from the inventive submission method of claim 50

Galuten et al. also teaches away from use of a specific submission package for submission of a media collection or media items. Specifically, at col. 3, lines 12-17, Galuten et al. states:

The system of the present invention receives musical content in various formats and from various sources, including the artists, agents, publishers, producers and distributors (collectively "distributors" since this is typically the most common format). All the musical content is formatted and then stored at the Delivery Service module.

On the other hand, claim 50 pertains to a method by which submitters can submit electronic packages to a media distribution site in a controlled and properly formatted manner. Stated another way, the inventions and teachings of Galuten et al. concern distribution of content elements (or Media Objects) from a media distribution site, not submission to the media distribution site. Hence, the teachings of Galuten et al. are not for media submission, but for media distribution which is post-submission processing. In other words, Galuten et al. teaches that submissions are of various formats and sources, and that post-submission processing is used to format received content for eventual distribution. Consequently, Galuten et al. teaches away from use of a specific submission package for submission of a media collection or media items as recited in claim 50.

2. CONCLUSION

Accordingly, it is respectfully submitted that claim 50 is patentably distinct from Galuten et al.

B. CLAIMS 14, 17, 19, 35 and 37 ARE NON-OBVIOUS OVER GALUTEN ET AL.

On pages 8-9 of the final Office Action, the Examiner rejected claims 14, 17, 19, 35 and 37 as being unpatentable over Galuten et al. under 35 U.S.C. §103(a). Here, although the Examiner recognized that Galuten et al. does not teach features of these claims, the Examiner concluded that such claims would nevertheless be obvious.

CLAIM 14

Claim 14 depends from claim 1 and further recites “wherein the descriptive media item information further includes an indication as to whether the identified media content is available for sale.”

In rejecting claim 14, the Examiner improperly relied on a general, unsupported conclusion that the limitations of claim 14 would be obvious. The Examiner pointed to nothing in Galuten et al. that teaches or suggests “the descriptive media item information further includes an indication as to whether the identified media content is available for sale.” As an example, col. 30, lines 10-40 of Galuten et al. provides descriptive information for a song object, but nowhere in the descriptive information is there any teaching or suggestion for anything therein that could serve as “an indication as to whether the identified media content is available for sale.” Moreover, given that “availability for sale” is not descriptive of the media asset, it would not be routine or obvious to include an indication of sales availability in descriptive media item information. Therefore, for at least these additional reasons, it is submitted that claim 14 is further patentably distinct from Galuten et al.

CLAIM 19

Claim 19 depends from claim 1 and further recites “wherein the metadata for the identified media content includes an indication as to whether the identified media content is available for sale.”

In rejecting claim 19, the Examiner improperly relied on a general, unsupported conclusion that the limitations of claim 19 would be obvious. The Examiner pointed to nothing in Galuten et al. that teaches or suggests “the metadata for the identified media content includes an indication as to whether the identified media content is available for sale.” As an example, col. 30, lines 10-40 of Galuten et al. provides descriptive information for a song object, but nowhere in the descriptive information is there any teaching or suggest for anything therein that could serve as “an indication as to whether the identified media content is available for sale.” Moreover, given that “availability for sale” is not descriptive of the media asset, it would not be routine or obvious to include an indication of sales availability in metadata for the media asset. Therefore, for at least these additional reasons, it is submitted that claim 19 is further patentably distinct from Galuten et al.

CLAIM 35

Claim 35 depends from claim 31; hence, for at least the reasons noted above regarding claim 31, it is submitted that claim 35 is patentably distinct from Galuten et al.

CLAIM 37

Claim 37 depends from claim 31 and further recites “wherein the metadata for the identified media content includes an indication as to whether the identified media content is available for sale.”

In rejecting claim 37, the Examiner improperly relied on a general, unsupported conclusion that the limitations of claim 37 would be obvious. The Examiner pointed to nothing in Galuten et al. that teaches or suggests “the metadata for the identified media content includes an indication as to whether the identified media content is available for sale.” As an example, col. 30, lines 10-40 of Galuten et al. provides descriptive information for a song object, but nowhere in the descriptive information is there any teaching or suggest for anything therein that could serve as “an indication as to whether the identified media content is available for sale.” Moreover, given that “availability for sale” is not descriptive of the media asset, it would not be routine or obvious to include an indication of sales availability in metadata for the media asset. Therefore, for at least these additional reasons, it is submitted that claim 37 is further patentably distinct from Galuten et al.

C. REJECTION OF CLAIMS 7-10, 22, 30, 42 and 43 AS OBVIOUS OVER GALUTEN ET AL. IN VIEW OF “OFFICIAL NOTICE” IS DEFECTIVE

(a) Rejections Improperly Rely on Official Notice

On pages 9-11 of the final Office Action, the Examiner rejected claims 7-10, 22, 30, 42 and 43 as being unpatentable over Galuten et al. in view of Official Notice under 35 U.S.C. §103(a). Although the Examiner recognized that Galuten et al. itself fails to teach or suggest various limitations found in claims 7-10, 22, 30, 42 and 43, the Examiner attempted to rely on Official Notice assertions to reject these claims. As noted below, since the “Official Notice” has not been adequately supported, the rejections relying on Official Notice are improper and should be reversed.

(i) Appellants Have Seasonably Challenged

In rejecting certain claims, the Examiner took Official Notice of certain “concepts and advantages”. Applicants have previously make a seasonable challenge to the taking of Official Notice. Specifically, in the Office Action of March 6, 2009, the Examiner first made the Official Notice based rejection. In a

response filed June 4, 2009, a seasonable challenge to Official Notice was made. A non-final Office Action mailed August 4, 2009 maintained reliance on the Official Notice with no additional evidentiary support. In a response filed April 16, 2010, a seasonable challenge to Official Notice was again made. A final Office Action mailed June 17, 2011 maintained reliance on the Official Notice with no additional evidentiary support. On page 3 of this final Office Action, the Examiner attempts to place the burden on the Appellant to disprove its unsupported patent assertions. Specifically, page 3 of the final Office Action states:

To adequately traversed such a finding, and applicant must specifically point out the suppose it errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge of well-known in the art. MPEP 2144.03c, the common knowledge or well-known in the art statement is taken to be admitted prior art because the traverse was an adequate. MPEP 2144.03c." (emphasis removed)

Hence, the Examiner has conveniently ignored the Appellants seasonable challenge. The Examiner's has also not provided a correct and adequate motivation of record to combine the Official Notice with Galuten et al.

(ii) Examiner has not provided evidentiary support for Official Notice

In the Official Notices taken by the Examiner, the Examiner essentially states that "concepts and advantages" of Galuten et al.'s deficiencies with respect to claims 7-10, 22, 30, 42 and 43 are well know in the art. Applicants seasonably challenged these generalized "Official Notice" statements with general seasonable challenges.

The recitation of the phrase "concepts and advantages" in each of the Official Notices is ambiguous and renders the Official Notices improper because they are not being "capable of instant and unquestionable demonstration as being well-known" as required by MPEP 2144.03(B).

Hence, Applicants submit that taking Official Notice of concepts and advantages, as done by the Examiner, is not permissible. Applicants submit that the Official Notices were originally improper and have not been corrected. MPEP 2144.03(B) ("It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. ...The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.").

Furthermore, the recitation of the phrase "concepts and advantages" in each of the Official Notices is ambiguous and renders the Official Notices improper because they are not being "capable of instant and unquestionable demonstration as being well-known."

(b) Rejections Improperly Rely on Official Notice

Accordingly, since the Official Notices have not been supplemented with evidentiary support (with the possible exception of claims 30 and 43 which referenced two patents), the rejection of claims 7-10, 22, 30, 42 and 43 under 35 U.S.C. §103(a) relying on Official Notice is improper and should be reversed.

D. CLAIMS 30 AND 43 ARE NON-OBVIOUS OVER GALUTEN ET AL. IN VIEW OF "OFFICIAL NOTICE"

CLAIM 30

Claim 30 depends from claim 1 and further recites:

wherein said transmitting is from the client machine to the media distribution server machine, and wherein said transmitting comprises:
receiving a submission input from a user of the client machine;

determining, based on the submission input, whether the electronic package should be transmitted or queued;

queuing the electronic package when said determining determines that the electronic package should be queued; and

transmitting the electronic package to the media distribution server machine when said determining determines that the electronic package should be transmitted.

In rejecting claim 30, the Examiner relied on Official Notice that “the concept and advantage of determining whether to transmit or queue data and queuing a transmission until transmission is possible is well known in that art as evidenced by Tang et al (US 2003/0074465) and Blackwell et al. (US 6,085,253).”

Even accepting this Official Notice as true, the combination of Galuten et al. and the Official Notice still fails to teach or suggest the recited limitations of claim 30. In particular, it should be noted that claim 30 determines whether an electronic package that is to be submitted to a media distribution service machine should be queued or transmitted based on a submission input from a user. The Official Notice merely relates to “queuing a transmission until transmission is possible” which in contrast to claim 30 is not under user control (i.e., not dependent on a submission input from a user). Hence, neither Galuten et al. nor the alleged Official Notice teach or suggest “receiving a submission input from a user of the client machine” and then “determining, based on the submission input, whether the electronic package should be transmitted or queued” as recited in claim 30.

Therefore, for at least these additional reasons, it is submitted that claim 30 is further patentably distinct from Galuten et al. in view of the alleged Official Notice.

CLAIM 43

Claim 43 depends from claim 31 and further recites:

wherein said computer program code for transmitting transmits the electronic package from a client machine to the media distribution site, and wherein said computer program code for electronically transmitting comprises:

computer program code for receiving a submission input from a user of the client machine;

computer program code for determining whether the electronic package should be transmitted or queued based on the submission input;

computer program code for queuing the electronic package when said computer program code for determining determines that the electronic package should be queued; and

computer program code for transmitting the electronic package to the media distribution site when said computer program code for determining determines that the electronic package should be transmitted.

In rejecting claim 43, the Examiner relied on Official Notice that “the concept and advantage of determining whether to transmit or queue data and queuing a transmission until transmission is possible is well known in that art as evidenced by Tang et al (US 2003/0074465) and Blackwell et al. (US 6,085,253).”

Even accepting this Official Notice as true, the combination of Galuten et al. and the Official Notice still fails to teach or suggest the recited limitations of claim 43. In particular, it should be noted that claim 43 determines whether an electronic package that is to be submitted to a media distribution service machine should be queued or transmitted based on a submission input from a user. The Official Notice merely relates to “queuing a transmission until transmission is possible” which in contrast to claim 43 is not under user control (i.e., not dependent on a submission input from a user). Hence, neither Galuten et al. nor

the alleged Official Notice teach or suggest “receiving a submission input from a user of the client machine” and then “determining, based on the submission input, whether the electronic package should be transmitted or queued” as recited in claim 43.

Therefore, for at least these additional reasons, it is submitted that claim 43 is further patentably distinct from Galuten et al. in view of the alleged Official Notice.

E. CLAIMS 15, 20 AND 38 ARE NON-OBVIOUS OVER GALUTEN ET AL. IN VIEW OF MARSH

On pages 11-12 of the final Office Action, the Examiner rejected claims 15, 20 and 38 as being unpatentable over Galuten et al. in view of Marsh. Although the Examiner recognized that Galuten et al. itself fails to teach limitations found in claims 15, 20 and 38, the Examiner attempted to rely on Marsh to supplement the teachings of Galuten et al. However, nothing in Marsh is able to overcome the deficiencies of Galuten et al. as noted above regarding claims 1 and 31. Therefore, even if Marsh were to be combined with Galuten et al, it is submitted that claims 15, 20 and 38 would be patentably distinct from the combination of Galuten et al. and Marsh for at least the reasons noted above regarding claims 1 and 31.

F. CONCLUSION

For at least the reasons set forth in this Appeal Brief, the Board should reverse the Final Rejection and should order the Examiner to pass this application to allowance.

If any additional fees are required in connection with the filing of this Appeal Brief, the Commissioner is authorized to charged Deposit Account No. 504298 (Order No. 101-P291).

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. (Previously Presented) A method for submission of a media collection from a client machine to a media distribution server machine, said method comprising:

obtaining metadata for a media collection;

identifying media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track;

converting the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format;

obtaining metadata for the identified media content;

forming, at the client machine, an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content; and

thereafter electronically transmitting the electronic package from the client machine to the media distribution server machine, thereby submitting the media collection to the media distribution server machine for subsequent distribution,

wherein the electronic package of the media collection comprises a plurality of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection, and

wherein the electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.

2. (Original) A method as recited in claim 1, wherein the metadata for the media collection obtained includes at least descriptive media collection information.

3. (Original) A method as recited in claim 2, wherein the descriptive media collection information includes, for the media collection, at least a title, an artist, a genre, a label name, copyright information, release information, and a numerical identifier.

4. (Original) A method as recited in claim 3, wherein the descriptive media collection information further includes an image to be used as artwork for the media collection.

5. (Original) A method as recited in claim 1, wherein the metadata for the media collection is entered by a user.

6. (Previously Presented) A method as recited in claim 1, wherein the audio tracks included in the media collection pertain to songs, and

wherein said converting encodes the media content for each of the songs into a compressed audio format.

7. (Original) A method as recited in claim 6, wherein the compressed audio format is MPEG based.

8. (Original) A method as recited in claim 6, wherein the compressed audio format is MPEG4 based.
9. (Original) A method as recited in claim 6, wherein the compressed audio format is Advanced Audio Coding (AAC).
10. (Original) A method as recited in claim 6, wherein the compressed audio format is MP4, M4 or M4a.
11. (Previously Presented) A method as recited in claim 1, wherein at least one of the media items is a multimedia item.
12. (Original) A method as recited in claim 1, wherein the metadata for the identified media content includes at least descriptive media item information for each of the media items of the identified media content.
13. (Original) A method as recited in claim 12, wherein the descriptive media item information includes, for the corresponding media item, at least a title, an artist, a genre, track number, a label name, copyright information, and a numerical identifier.
14. (Original) A method as recited in claim 13, wherein the descriptive media item information further includes an indication as to whether the identified media content is available for sale.
15. (Original) A method as recited in claim 14, wherein the descriptive media item information further includes a parental advisory.

16. (Original) A method as recited in claim 1, wherein the metadata for the identified media content is entered by a user.

17. (Original) A method as recited in claim 1, wherein a first portion of the metadata for the identified media content is obtained from the metadata for the media collection.

18. (Original) A method as recited in claim 1, wherein a second portion of the metadata for the identified media content is entered by a user.

19. (Original) A method as recited in claim 1, wherein the metadata for the identified media content includes an indication as to whether the identified media content is available for sale.

20. (Original) A method as recited in claim 1, wherein the metadata for the imported media content includes a parental advisory.

21. (Previously Presented) A method as recited in claim 1, wherein the digital signature for the image file for artwork associated with the media collection is a MD5 message digest, and wherein the digital signatures for the compressed audio files are MD5 message digests.

22. (Original) A method as recited in claim 21, wherein the markup language file is an XML file, the image file is a JPEG file, and the compressed audio files are MPEG4 based.

23. (Previously Presented) A method as recited in claim 1, wherein said transmitting operates to electronically transmit the electronic package to the media distribution server machine over the Internet using encryption.

24. (Previously Presented) A method as recited in claim 1, wherein said method further comprises:

receiving the electronic package at the media distribution server machine;

parsing the electronic package to retrieve components from the electronic package, the components including at least the identified media content in the compressed media format, the metadata for the media collection and the metadata for the at least one media item; and

storing the components into a media distribution database.

25. (Previously Presented) A method as recited in claim 24, wherein said method further comprises:

rendering the media collection and the media items thereof available for online purchase at the media distribution server machine.

26. (Previously Presented) A method as recited in claim 1, wherein said method further comprises:

rendering the media collection and the media items thereof available for online purchase at the media distribution server machine.

27. (Original) A method as recited in claim 1, wherein said method is performed by an application program.

28. (Original) A method as recited in claim 27, wherein, when the application program performs said obtaining of the metadata for the media collection and said obtaining of the metadata for the identified media content, a user interacts with the application program.

29. (Previously Presented) A method as recited in claim 28, wherein the user is a representative for an independent recording label, and wherein said application program facilitates the independent recording label in submission of the media collection to the media distribution server machine for subsequent online distribution.

30. (Previously Presented) A method as recited in claim 1, wherein said transmitting is from the client machine to the media distribution server machine, and wherein said transmitting comprises:

receiving a submission input from a user of the client machine;

determining, based on the submission input, whether the electronic package should be transmitted or queued;

queuing the electronic package when said determining determines that the electronic package should be queued; and

transmitting the electronic package to the media distribution server machine when said determining determines that the electronic package should be transmitted.

31. (Previously Presented) A computer readable storage medium including at least computer program code for submission of a media collection to a media distribution site, said computer readable storage medium comprising:

computer program code for identifying media content for a plurality of media items to be included in the media collection, the media content being

imported from a media source, each of the media items including a different audio track;

computer program code for converting the identified media content for the plurality of media items into compressed media files, said computer program code for converting encodes the media content for each of the media items into a compressed audio format;

computer program code for obtaining metadata for the identified media content;

computer program code for forming an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the identified media content; and

computer program code for electronically transmitting the electronic package to the media distribution site, thereby submitting the media collection to the media distribution site for subsequent distribution,

wherein the electronic package of the media collection comprises a plurality of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item metadata being provided for each of the media items within the media collection, and

wherein the electronic package further includes a digital signature for each of the compressed audio files, and includes a digital signature for the image file.

32. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein the electronic package comprises a folder including the plurality of electronic files.

33. (Cancelled).

34. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein said computer code for identifying the media content operates to assist a user in identifying the media content.

35. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein the media source is a compact disc.

36. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein the metadata is provided by a user.

37. (Previously Presented) A computer readable storage medium as recited in claim 36, wherein the metadata for the identified media content includes an indication as to whether the identified media content is available for sale.

38. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein the metadata for the identified media content includes a parental advisory indication.

39. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein the media distribution site is an online media distribution site.

40. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein said computer program code for electronically transmitting

operates to electronically transmit the electronic package to the media distribution site over the Internet using encryption.

41. (Previously Presented) A computer readable storage medium as recited in claim 31,

wherein the metadata identifies artwork associated with the media collection or the identified media content, and

wherein the digital signature for the image file is a MD5 message digest, and wherein the digest signatures for the compressed media files are MD5 message digests.

42. (Previously Presented) A computer readable storage medium as recited in claim 41, wherein the markup language file is an XML file, the image file is a JPEG file, and the compressed media files are MPEG4 based.

43. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein said computer program code for transmitting transmits the electronic package from a client machine to the media distribution site, and wherein said computer program code for electronically transmitting comprises:

computer program code for receiving a submission input from a user of the client machine;

computer program code for determining whether the electronic package should be transmitted or queued based on the submission input;

computer program code for queuing the electronic package when said computer program code for determining determines that the electronic package should be queued; and

computer program code for transmitting the electronic package to the media distribution site when said computer program code for determining determines that the electronic package should be transmitted.

44. (Previously Presented) A computer readable storage medium as recited in claim 43, wherein said computer program code for electronically transmitting further comprises:

computer program code for encrypting at least a portion of the electronic package prior to transmission to the media distribution site.

45. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein said computer readable storage medium further comprises:

computer program code for rendering the media collection and the media items thereof available for online purchase at the media distribution site.

46. (Previously Presented) A computer readable storage medium as recited in claim 31, wherein said computer readable storage medium facilitates an independent recording label with submission of the media collection to the media distribution site for subsequent online distribution.

47. (Cancelled).

48. (Cancelled).

49. (Cancelled).

50. (Previously Presented) A method for submission of a media collection from a client machine to a media distribution site, the client machine configured for operation by a user, said method comprising:

receiving, at the client machine, metadata for a media collection;

identifying, at the client machine, media content for a plurality of media items to be included in the media collection, the media content being imported from a media source, each of the media items including a different audio track;

converting, at the client machine, the identified media content for the plurality of media items into compressed media files, said converting encodes the media content for each of the media items into a compressed audio format;

receiving, at the client machine, metadata for the identified media content;

forming, at the client machine, an electronic package of the media collection, the electronic package including at least the compressed media files and the metadata associated with the media collection and the identified media content; and

thereafter electronically transmitting the electronic package from the client machine to the media distribution site, thereby submitting the media collection to the media distribution site for subsequent distribution,

wherein the electronic package of the media collection comprises a folder of files, one of the files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the electronic package of the media collection comprises a folder of electronic files, one of the electronic files is a markup language file containing at least the metadata, another of the files is an image file for artwork associated with the media collection, and a plurality of other of the files are compressed audio files,

wherein the metadata provided for the media collection includes at least media collection metadata as well as media item metadata, the media item

metadata being provided for each of the media items within the media collection,
and

wherein the electronic package further includes a digital signature for each
of the compressed audio files, and includes a digital signature for the image file.

IX. EVIDENCE APPENDIX

There is currently no evidence entered and relied upon in this Appeal.

X. RELATED PROCEEDINGS APPENDIX

There are currently no decisions rendered by a court or the Board in any proceeding identified in the Related Appeals and Interferences section.